

his career. He spoke of William Loebl, Jr., frequently as one who knew all about his habits.

Colonel Was Boozed

The ex-President came to court in a boozed mood. He found among the crowd in the small court room the many friends that had accompanied him in the special car. Clearwater to testify in his behalf. Editor Newett sat close enough to the ex-President to touch him, but Newett never directed his glance toward Col. Roosevelt. The Colonel, however, shot frequent glances at Newett as he chatted with Gifford Pinchot, Dr. Lyman Abbott, Mr. Garfield, Truman H. Newberry and others of his friends. North Peninsula society made a holiday of the Colonel's day in court and came in their Sunday clothes to hear him.

At the opening of court shortly after 9 o'clock, Judge Flannagan excluded from the room all witnesses for both sides. Later four of the Colonel's party were permitted to return, James H. Pound, one of counsel for the ex-President, made a brief opening statement to the jury. He reviewed Col. Roosevelt's eventful life and dwelt emphatically upon his public service.

Attorney Hadden for Editor Newett objected to that state of address, arguing that the law called for a plain, unvarnished statement of the evidence the complainant proposed to give. Judge Flannagan permitted Mr. Pound to proceed. There was a rumour when Mr. Pound told the jury that Mr. Newett postmaster, and Judge Flannagan ruled out the statement.

Col. Roosevelt Testifies.

It was 9:30 o'clock when the Colonel was called to the stand. Clicking his teeth in the long familiar manner, he leaned forward in the witness chair and began his story.

"I was born in New York, Oct. 27, 1858," he said. "I held the election to the New York Legislature in 1881; his unsuccessful campaign for Mayor of New York in 1884; his term as Assistant Secretary of the Navy, and his resignation to be Lieutenant-Colonel of the Rough Riders in 1898."

"I was in the fighting around Santiago, where my regiment lost over one-third of its officers and over one-fifth of its men, killed and wounded. He also served. I was promoted to Colonel of the regiment and made acting Brigadier General on returning to Montauk Point. The army was there disbanded in September. I was at once nominated for Governor of New York and was elected."

Then came the meat of his evidence. After telling of his two terms as President and his African lion hunt, the Colonel said he remembered Oct. 12, 1912, very well. This was the day on which Editor Newett printed his alleged libel charging that the Colonel "gets drunk, and that not infrequently, and all his intimates know it."

Col. Roosevelt identified the copy of *Iron Ore*, Newett's paper, which contained the charge.

"I think I saw that first in *Mercy Hospital*," he said, "after I was shot. It may have been in Milwaukee, the day I was shot."

Not One Highball.

"I have never drunk a cocktail or a highball in my life. With exceptions noted, I never drank whiskey or brandy except under the advice of a physician. I don't care for the taste of either. I don't smoke and I don't drink beer, because I dislike smoking and dislike the taste of beer. I never have drunk whiskey or brandy except when the doctor prescribed it, or possibly on some occasion after great exposure, when I was chilled through. But it has been certainly fifteen or twenty years since I have drunk it because of being chilled through."

"I have never drunk beer, nor do I drink red wine. The only wines that I have drunk have been either white wines, Madeira, champagne, or very occasionally a glass of sherry. At home I often, at dinner, will drink a wine glass or two of Madeira. In summer instead of the Madeira I will often drink a tall glass of white wine and Poland water."

"At public dinners I sometimes drink a glass of champagne, or perhaps two. I think that on the average this means that I will drink champagne about once a month."

"The only exceptions to what I have stated about drinking whiskey and brandy are as follows:

"Mint juleps I very rarely drink. In the White House we had a mint ball and I should think that on the average I may have drunk half a dozen mint juleps a year."

Only Two Mint Juleps.

"Since I left the White House four years ago, to the best of my memory I have drunk mint juleps twice, on one occasion at the country club at St. Louis, where I drank part of a glass of mint julep, and on another occasion at a big lunch given me at Little Rock, Ark., where they passed around the table a loving cup with the mint julep in it, and I drank when the cup was passed to me."

"The only other occasions on which I have drunk whiskey have been when it has been prescribed by the doctor. During the last fourteen years I do not believe I have drunk whiskey straight, or with water, more than half a dozen times."

"On the African trip the expedition took along a case of champagne, a case of whiskey and one bottle of brandy. The bottle of brandy was taken for me because I don't drink whiskey."

"Some of the other members of the party drank whiskey. The champagne was used occasionally for three members of the party who were down with fever and dysentery."

"It was also given to two or three travellers, hunters and missionaries we met who were sick. I never touched either the whiskey or the champagne. Out of the brandy bottle I drank exactly seven ounces, this being given me by Dr. Moars on two occasions when I had fever. The last time I told him I disliked it so I did not think it did me any good and unless he objected I would take tea."

Seven Ounces of Brandy.

"I accordingly took tea and turned the bottle and the rest of the brandy over to R. J. Cunningham, who was managing the expedition. Eight months later, when we reached Khartoum, he asked me what he should do with it, saying that from curiosity he had measured it, and that I had drunk just seven ounces in eleven months."

"As for brandy, I never drink it any more than I do whiskey when I am alone or at home, or on a hunting trip or in a friend's house. But on very hard campaign trips, on the advice of Surgeon General Rixey and recently of Dr. Haddock, 'the white man's best friend,' I have frequently, just before going to bed at night, drunk either

Court House at Marquette, Mich.



one or two goblets of milk with a teaspoonful of brandy to the goblet.

"If there is more than the teaspoonful I dislike the taste and don't drink it."

"I frequently drink milk at some meal during the day, usually at lunch. The brandy which I used in Africa was never in my possession and I only took it when it was given by the doctor. I did not even carry a flask of brandy or whiskey with me. I used to carry one on my hunting trips, but found that I used it so rarely that it was a nuisance and might get broken, and it has been some twenty years since I carried one."

Never Drinks at a Bar.

"On my ranch we never had whiskey. I never made a practice of drinking at a bar, and I don't believe that I have drunk at a bar for twenty-five years."

"I don't believe I have been inside a saloon during that time. I do not drink between meals except as above described."

The Colonel took interruptions from his attorney and opposing counsel with some impatience. His seat in the witness chair was on a level with the faces of the jurors and as he talked he leaned toward them, punching the air with his fists and bling off the ends of his words, somewhat to the astonishment of the slow talking north woodsmen, who speak seldom and gesticulate never."

The Colonel with occasional halts between questions went on:

"On campaign trips I drink nothing until, as I said above, I go to bed, when I take a goblet or perhaps two goblets of milk, with a teaspoonful of brandy to the goblet, finding it rests my throat and makes me sleep well. On almost every campaign trip there will be some occasion on which I stop at a friend's house. Then I will drink a glass of wine, or there will be some public dinner, when I will drink either a glass of white wine or a glass of champagne; for example, in the Ohio campaign last year, during the nine days I touched nothing whatever on seven of the days, excepting at night, as above mentioned, before going to bed, not drinking a drop of any kind until I was undressed and went to bed. The other two days were the occasion when I spoke at Toledo and the occasion when I spoke at Cleveland."

Chose the Milk.

"At Toledo after the speech Mr. Garfield, Mr. Post and I went to the house of Mr. and Mrs. Shoppes, where we had a party. Mr. and Mrs. Brand Whitlock and we went into the dining room to take a little supper. There was some champagne and I first took a glass of champagne, and then found that there was a pitcher of milk and doughnuts, and I took the milk and doughnuts instead."

"On the afternoon of the day I went to Cleveland I stopped at Ravenna, at the house of D. B. Frank. There I had a pot of tea, and at dinner I believe, but am not certain, that I took a glass of champagne. After I returned to the car in the evening, having made various evening speeches, I was often thirsty and took a bottle of Apollinaris water with a glass of cracked ice, but I drank no liquor of any kind and I have drunk any liquor of any kind in the car excepting as above described."

"For instance, the day I spoke at Duluth last year, in the morning I reached Superior and spoke there. We went over to Duluth and took lunch, there being no liquor at lunch. I then dictated the two speeches I intended to make at Duluth and Chicago and then went for an automobile ride and afterward took dinner."

"No liquor was served at dinner and I did not drink a drop of wine or liquor of any kind during the day. I stopped and spoke a few sentences to a dinner of doctors at their earnest and repeated request. I then made two speeches in the evening. I went back to the car and got a bottle of Apollinaris water and a glass with ice in it, but without any liquor of any kind and drank the Apollinaris water. When I went to bed I took two spoonfuls of brandy in milk and that was the only drop of liquor I touched that day. I was in Duluth only that day."

Habits at the White House.

"While at the White House I never touched brandy or whiskey, excepting the mint juleps above mentioned and possibly on two or three occasions when Dr. Rixey prescribed a drink of whiskey, once, if I remember aright for an acute attack of indigestion and once when he and I had made a hundred mile ride together and came through a snowstorm, and he gave me some whiskey and I disliked it so much after taking a sip I would not take any more and got a cup of tea instead."

"Outside of these prescriptions of Dr. Rixey we usually had at lunch some white wine if there were guests. Unless there were guests I drank nothing at lunch and often I drank nothing if there were guests. If we dined alone I drank nothing. If we had guests we usually had white wine, but sometimes Madeira, and at formal dinners we had champagne. I would drink a glass or two. While at Washington almost all the entertainments were at the White House itself, but each member of the cabinet gave a dinner and I believe there was always champagne at those dinners, and I drank a glass or two precisely as at the White House."

"I also, on perhaps half a dozen occasions, went out, for instance, to the Gridiron Club dinner or to the reception on

Speaker Cannon's seventieth birthday or to the dinner of the New York delegation in Congress. On those occasions I drank precisely as in the White House. On the occasion of Mr. Cannon's evening reception I went in company with Mr. Loebl and James Sloan, a secret service man."

Loeb Always With Him.

"On all public occasions Mr. Loeb went with me and also two secret service men. On the Cannon occasion I remember that one of these men was Mr. Sloan."

"Never, on any occasion during the time that I was in the White House, did I touch a drop of anything during the day prior to being shaved."

"On the 15th and 16th of February last I was staying in New York with Mrs. Roosevelt and my daughter at the Marquis Hotel, 12 East Thirty-first street. To the best of my knowledge and belief there is no bar in the hotel. Mrs. Roosevelt and my daughter and I had breakfast served in our apartment at about 8. Immediately afterward on both days I walked down Madison avenue to Twenty-third street across to Fourth avenue and into the Outlook office, on both days I stayed in the Outlook office doing work and seeing various people until about 3:30 the first day and until 5 the next day, going out for a few minutes for luncheon. When I left the office on the Monday I walked up Fourth avenue to Thirty-first street and across to the Marquis Hotel."

"There I had tea with Mrs. Roosevelt. On the Tuesday I left at 3 o'clock and took the 5:30 o'clock train from the Pennsylvania Station for Oyster Bay. On neither day did I touch a drop of anything at any time."

No Use for Beer.

"For the last fifteen years I can give you in detail just about what I drink, and I have given it substantially, and neither during those fifteen years nor since I have been of age have I ever, under any circumstances, been even in the smallest degree under the influence of liquor."

"I do not remember within the last dozen years drinking even a part of a glass of beer except once. That was at the Deutscher Club. Whenever I go to Milwaukee I try to go to the Deutscher Club for a call. At their request, I think in 1908, I drank a mouthful of beer. They offered me beer and I asked if they could not get some white wine, saying I never drank beer. They asked me if I would not take a mouthful anyway, because they said it was the beer that made Milwaukee famous. So I took a mouthful and then took white wine. They then all sang songs, but there was only one song in which I could join."

The Cross-Examination.

The cross-examination of the Colonel began at 11 A. M. Attorney Horace Andrews of Cleveland, counsel for several big iron ore mining concerns of the Upper Peninsula, represented Editor Newett in the dissection of the Colonel's testimony."

Mr. Andrews' first questions touched what Newett's lawyers regarded as a vital spot—the extent to which Col. Roosevelt could be damaged by statements printed in a country newspaper. The Colonel could remember only George Shiras, his host, and W. S. Hill, his attorney, as possible acquaintances in Marquette county."

"Since your return from Africa," said Andrews, "you have been contributing editor of the Outlook and also somewhat in politics?"

"Also," chopped out the Colonel, "in politics."

He told Mr. Andrews in reply to specific questions that he met politicians, Senators, Congressmen, naturalists and historians on nearly all of his trips and usually was entertained at dinner."

"I was much more apt to be entertained by private citizens than by public men," he added.

The Colonel chafed a bit under questioning by Andrews as to the quantities of liquor he had absorbed on various occasions and thumped out retortations of his previous testimony.

"Did you keep brandy and white wine and red wine and whiskey in the White House?" inquired Andrews.

"I kept President McKinley's cellar," said the Colonel when I entered the White House," returned Col. Roosevelt.

The answer was stricken out and this substituted:

"I continued a custom of the White House."

"Who had charge of the beginning of this suit, if you know?" asked Andrews.

"I do not," said the Colonel; "I was in Mercy Hospital at the time."

"Don't you know Mr. Wallace had charge of the suit at that time?"

H. M. Wallace is the National Progressive committee man for Michigan. Mr. Roosevelt said he didn't know, but that he did not hire his chief counsel, James H. Pound.

"Did you bear the expense of taking these depositions?" demanded Andrews.

"I did," said Roosevelt.

Andrews quoted what he declared was a statement by Wallace that the National Progressive party was pushing this suit.

"No organization is pushing this suit but myself and nobody else will pay a dollar of the expenses but myself," declared the Colonel, with extreme emphasis.

Col. Roosevelt was excused from the stand at 11:25 o'clock.

Jacob Rits Emphatic.

Following Col. Roosevelt on the witness stand Henry Rauter, Assessor at Ishpeming, filed the ownership of the newspaper in Mr. Newett's hands.

Jacob Rits, social worker and writer, was witness No. 3, and his testimony, given with characteristic vigor and in the soft Danish dialect, was tremendously effective, addressed to a jury made up largely of Johnsons, Fredricks and Larsons.

"The statement that Col. Roosevelt was a drinking man is a monstrous lie," said Mr. Rits with emphasis. In answer to the question, "Does he drink any whiskey or brandy?" he shouted: "Lord, no!"

He disputed Col. Roosevelt in one point. He was very emphatic in his assertion that the Colonel never drank a mint julep. When Mr. Andrews questioned him particularly on this point Mr. Rits qualified his statement.

"I have never seen him drink one, and have seen him a great deal," he said.

Dr. Alexander Lambert said that had the Colonel been an excessive user of alcoholic liquor he never would have survived the shock when he was shot at Milwaukee last year. Dr. Lambert has been on several hunting trips with Roosevelt in North Dakota, Colorado, Louisiana and Wyoming and has known him personally since 1891. The witness said he was an expert on alcoholic cases and had treated 40,000 of them.

"From your close personal experience with Mr. Roosevelt on trips and in official life at Washington, would you say he was a man who drank to excess or not?" Dr. Lambert was asked.

The witness replied with emphasis that the ex-President was extremely temperate.

Dr. Lambert said the first time he was called upon to give his professional services to Col. Roosevelt was when the latter was at Mercy Hospital at Chicago suffering from the wound he received from the bullet at Milwaukee. He was asked his opinion as to Roosevelt's chances of recovery had he been a constant user of alcoholic liquor.

"He would not have recovered," was the reply. "To his splendid physique, unpoisoned by alcoholism, he owes his recovery from the wound."

Dr. Lambert told how he had been on hunting trips with Col. Roosevelt and said he never had observed him drink any whiskey except once and that was when the Colonel was suffering from a slight fever he had contracted in the Cuban campaign.

"I gave him a teaspoonful of whiskey to hasten the perspiration," said the witness. "That was all the whiskey I ever gave him."

Q. During your twenty-two years acquaintance with him did you ever know of his being under the influence of liquor of any kind? A. I never did.

Q. Did you ever observe the smell of alcohol on his breath? A. Never.

Q. If he had been a user of strong drink to excess what would have been the result of his bullet wound? A. Well, if he had drunk alcohol drinks to excess the wound would have resulted in his having delirium tremens. It very often does in cases of that kind.

When cross-examined Dr. Lambert was asked whether there had not been a meeting of witnesses for the plaintiff in Col. Roosevelt's office in New York and whether they had discussed what testimony should be given here. Dr. Lambert said he had been in Col. Roosevelt's office and had signed a statement giving the substance of his testimony.

"You know Mr. Roosevelt drank wine at his meals, don't you, many of his meals?"

"Yes, I have seen him drink it at public dinners, but never more than a glassful. He drank it at a dinner given to his guides on the Colorado hunting trip."

Depositions were read from Dr. Murphy and Dr. Beven, who attended Col. Roosevelt in Chicago after the attempted assassination in Milwaukee. They declared that the Colonel did not have a "whiskey breath."

The Colonel was greatly pleased and smiled broadly when Gifford Gardner, a newspaper correspondent declared:

"I do not hesitate to say emphatically that not a member of the 125 newspaper men at Washington would for a moment seriously consider the proposition that Theodore Roosevelt was a drinking man."

In the other hand he frowned heavily when Attorney Andrews after a long series of quizzes leading former Surgeon-General Rixey to declare positively that he went to a banquet to watch Roosevelt and to see what he drank as well as what he ate rather dramatically exclaimed:

"Then tell this jury now why it was necessary to go to the banquet to watch what he drank."

After court Col. Roosevelt, who had maintained the high spirits that he exhibited during the sessions, said in the course of a general conversation that there was no truth in a story that he was to join the staff of *Collier's* or that he is considering resigning from the Outlook.

"Pure fake," said the Colonel.

On which his suit is based are quoted in full. None of the newspapers makes editorial comment on the trial and will probably not do so until a verdict is reached.

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He suggested that in the matter of fiscal legislation the President should have the right by statute to introduce in Congress a budget setting forth an estimate of the expenses of the Government for the coming year, as well as proposals for necessary new legislation. The Cabinet officers, he said, should have privileges of presenting and defending on the floor of both houses of Congress those parts of the budgets pertaining to their departments. Congress should be forbidden to add items to the executive budget unless upon the President's concurrence, he said, or as an alternative the President should have the power of vetoing individual items in the appropriation bill.

Concerning general legislation Mr. Stimson said the President should have the right to introduce bills which should have precedence over all others except appropriation bills, amendments to be made only upon the floor of one or the other house. The Cabinet officers, he said, should be permitted by law to appear on the floor and discuss matters of general legislation so far as they affect their respective departments.

Mr. Stimson said that in examining the work of both houses of Congress there is found a strong prevalence of what may be called "the local over the national point of view." Highly expensive army posts, he said, are scattered throughout the country, the influence of a town or village keeping them there. The Navy Department, said Mr. Stimson, is spending millions of dollars annually for the maintenance of unnecessary and unfit navy yards.

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